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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Legalforce RAPC Worldwide PC, *et al.*,

No. CV-24-03437-PHX-JJT

10 Plaintiffs,

ORDER

11 v.

12 United States Patent and Trademark Office,
13 *et al.*,

14 Defendants.

15 At issue is LegalForce's Motion for Reconsideration (Doc. 44), wherein it argues
16 that the Court's dismissal of this case was erroneous with respect to LegalForce because it,
17 unlike its co-plaintiff Mr. Abhyanker, is not a party to the underlying USPTO disciplinary
18 proceeding and therefore is not subject to the exhaustion and forum restrictions of
19 35 U.S.C. § 32.¹ Pursuant to Local Rule of Civil Procedure 7.2(g)(2), the Court must permit
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22 ¹ LegalForce also submits a secondary argument that the Court committed "clear . .
23 . error" when it wrote that jurisdiction had not yet vested in the Eastern District of Virginia
24 because "Mr. Abhyanker elected to appeal the ALJ's decision rather than permit it to
25 become final." (Doc. 44 at 3.) LegalForce contends that "the administrative process
26 remains ongoing by operation of law, not by strategic election." (Doc. 44 at 3.) To the
27 Court's knowledge, it is uncontested that Mr. Abhyanker voluntarily appealed the ALJ's
28 decision. (*See* Doc. 27 at 4.) Even in its motion for reconsideration, LegalForce does not
assert to the contrary. Given that fact, the Court finds LegalForce's argument meritless.
Mr. Abhyanker cannot freely undertake an action that will carry with it a known legal
consequence and then claim that the Court commits clear error when it attributes that
consequence to his choice. The Court therefore denies relief on this ground. The Court also
notes that this issue appears to be of no moment, as LegalForce's proposed order contains
no suggested relief on this point. (*See* Doc. 44-1.) Indeed, LegalForce requests an order
expressly noting that "[t]he Court's prior dismissal of claims asserted by Mr. Abhyanker
in his individual capacity remains undisturbed." (Doc. 44-1 at 2.)

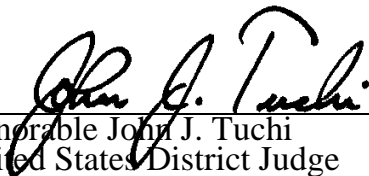
1 additional briefing if it is considering granting a motion for reconsideration. The Court
2 therefore requests additional briefing as follows.

3 Defendants may file a responsive memorandum, not to exceed six pages in length,
4 addressing the merits of LegalForce's argument. Defendants previously identified the risk
5 of duplicative and possibly conflicting adjudications over what is, in essence, the same
6 claim. (Doc. 37 at 8–9 (alleging that the inclusion of LegalForce as a plaintiff is a “ploy”
7 to circumvent 35 U.S.C. § 32 and that the Court's entertainment of LegalForce's claims
8 “could result in two different district courts issuing conflicting orders regarding the same
9 matter” and therefore “must be avoided, particularly where Congress has specified a
10 particular district court to review this matter”).) In light of those concerns, the Court asks
11 that Defendants devote some portion of their responsive memorandum to whether a transfer
12 to the Eastern District of Virginia is the appropriate remedy here, assuming *arguendo* that
13 LegalForce's motion for reconsideration has merit.

14 LegalForce may also file a supplemental memorandum addressing the same subjects
15 as that of Defendants, including the propriety of a transfer to the Eastern District of
16 Virginia. However, because LegalForce had the benefit of filing the initial motion,
17 LegalForce's supplemental memorandum shall be limited to three pages in length.

18 **IT IS THEREFORE ORDERED** permitting the parties to file simultaneous,
19 supplemental memoranda as described herein no later than fourteen (14) days from the date
20 of this Order.

21 Dated this 5th day of May, 2025.

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23 Honorable John J. Tuchi
24 United States District Judge
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